

REMARKS/ARGUMENTS

Claims 37, 38, 40, and 41 were examined. The claims have been amended and new claims added as noted above. Re-examination and reconsideration of the claims, as amended, are respectfully requested.

In order to expedite prosecution of this application, independent Claim 37 has been amended to recite that the fastener "is composed of a biocompatible, non-immunogenic material." Support for this amendment is found, for example, at page 14, line 3, of the specification. As the Chamberlin '018 patent describes a non-medical clip, there is no teaching or suggestion that the clip be made biocompatible and non-immunogenic. While the use of such non-immunogenic, biocompatible materials is known for surgical implants and devices, there is no teaching or suggestion in Chamberlin '018 that the clip would be useful in a medical context. Thus, taken as a whole, Chamberlin '018 would not teach or suggest Claim 1 as now amended.

It is believed that Claims 38, 40, and 41, dependent on Claim 37, are allowable for the reasons set forth above.

New Claim 42 and dependent Claims 43-45 are all limited to fasteners "adapted to be introduced via a percutaneous approach." Support for this limitation is found, for example, in the paragraph beginning at page 15, line 29, of the specification. As discussed above, Chamberlin '018 is devoid of teachings relative to medical uses for the described clip. Thus, there would be no teaching or suggestion that using a clip such as taught in Chamberlin '018 would be suitable for introduction via a percutaneous approach.

Finally, new independent Claim 46 and dependent Claims 47-49 are all limited to fasteners "adapted to be implanted in a heart." Support for this limitation is found extensively throughout the specification.

As the clip described in Chamberlin '018 is not intended for medical use, and in view of the limitations just described, it is believed that all pending claims are in condition for allowance and requested that the application be passed to issue at an early date.

Respectfully submitted,

June 28, 2004

William H. Dippert
William H. Dippert
Registration No. 26,723

Reed Smith LLP
599 Lexington Avenue
29th Floor
New York, New York 10022-7650
Telephone: 212-521-5400
Facsimile: 212-521-5450